

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

DAMIAN CARMONA, JR,

Defendant.

Case No. 03-CR-155-JPS

**ORDER**

Before the Court is the government's motion, filed on March 15, 2017, for payment of the balance of Defendant's fine using money previously submitted as an appearance bond in another of Defendant's criminal cases, Case No. 11-CR-159 (E.D. Wis.). (Docket #35). In that case, Defendant deposited \$1,500.00 into the Court registry as an appearance bond. *Id.* at 1. The government requests that the Court order the use of a portion of those funds to pay the balance of Defendant's fine in this case, which totals \$298.23. *Id.* The bond money from Case No. 11-CR-159 is currently deposited in the Court's unclaimed funds account. *Id.* at 2. Defendant has not responded to the motion as of the date of this Order, and so the Court treats the motion as unopposed.

The applicable statute, 28 U.S.C. § 2044, provides:

On motion of the United States attorney, the court shall order any money belonging to and deposited by or on behalf of the defendant with the court for the purposes of a criminal appearance bail bond (trial or appeal) to be held and paid over to the United States attorney to be applied to the payment of any assessment, fine, restitution, or penalty imposed upon the defendant. The court shall not release any money deposited for bond purposes after a plea or a verdict of the defendant's guilt

has been entered and before sentencing except upon a showing that an assessment, fine, restitution or penalty cannot be imposed for the offense the defendant committed or that the defendant would suffer an undue hardship. This section shall not apply to any third party surety.

28 U.S.C. § 2044. Pursuant to Section 2044, the Court finds that it must order the application of the bond money to Defendant's fine balance in this case. *See United States v. Tresch*, 626 F. App'x 638 (7th Cir. 2015).

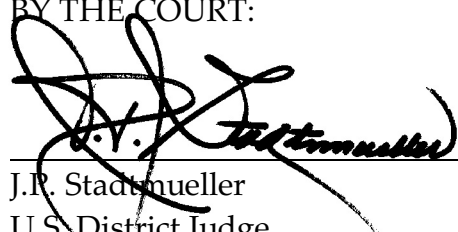
Accordingly,

**IT IS ORDERED** that the government's motion to apply Defendant's bond money to his unpaid fine balance (Docket #35) be and the same is hereby **GRANTED**;

**IT IS FURTHER ORDERED** that the Clerk of the Court shall transfer \$298.23, originally deposited in the Registry of the Court by Defendant as an appearance bond in Case No. 11-CR-159 (E.D. Wis.), and now located in the unclaimed funds account, and apply it to Defendant's unpaid fine balance in this matter. The government shall thereafter provide an accounting to Defendant regarding distribution of the funds.

Dated at Milwaukee, Wisconsin, this 18th day of April, 2017.

BY THE COURT:



J.R. Stadtmueller  
U.S. District Judge